

2020 - 2021 Annual Report

Commissioner for Victims' Rights



Government of South Australia

Victims of Crime SA

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30 September 2021 presented to Attorney-General

To:

Hon Vickie Chapman MP

Deputy Premier

Attorney-General

Minister for Planning and Local Government

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 September 2021

Signature

A handwritten signature in black ink, appearing to read 'B Killmier', written in a cursive style.

From the Commissioner

Changes to our work have resulted in a busy and challenging year

Covid-19 continued to impact on where we worked from (remotely) but this did not impact our service delivery or the amount of work we dealt with. In this financial year, there has been a steady increase of requests for assistance to the office. There has been a 54% increase in the top five enquiries. This is core service delivery for Victims of Crime South Australia (VOCSA) and does not include other projects, parole assistance, commenting on legislation, training commitments, court and victim impact statement support, updating and developing publications and website material or other work. VOCSA have also seen an increase in the complexity of issues, many relating to historical cases. Details are provided further in this annual report.

Having previously bedded down policies, procedures and systems within the office meant that working remotely was manageable. From July 2020, we took over the responsibility for coordinating court support and victim impact statements. There was an increase of funding provided for us to undertake this work. Streamlined data collection processes confirmed the significant increase in workload within the office, and staffing resources will continue to be reviewed to ensure service delivery of a high standard is provided to victims.

In October 2020, we launched our new website - www.voc.sa.gov.au. In line with our coordination role for victims of crime, the website has been simplified and upgraded to provide clear and accessible information on what services are available and where to go for assistance. We have also been reviewing our publications to simplify the content and in doing so have consulted with people with lived experience. This year we added to our publications with specific information for people affected by road trauma. All our publications are available to view and download from our website, but we also supply hardcopies to agencies and victims.

When we launched our website, I also changed the name of our service to Victims of Crime South Australia (VOCSA). I am still the Commissioner for Victims' Rights, but VOCSA more accurately reflects our role and function and enables those in need to find us more easily. It reflects that at our heart are victims, and not just the Commissioner.

The court support program has been developed by VOCSA in conjunction with the Office of the Director of Public Prosecutions (ODPP) Witness Assistance Service (WAS) and Victim Support Service (VSS) volunteers. VOCSA has professionalised and streamlined the program and developed, implemented and trained volunteers who are required to pass a competency-based assessment.

Requests for court support can be completed online and are automatically delivered for assessment and allocation.

Victim Impact statements (VIS) are coordinated by VOCSA. The VIS form and process has been simplified to be more 'user friendly', with positive feedback from South Australia Police (SAPOL). Requests for assistance are managed with other agencies, as well as VOCSA.

The Commissioner held discussions with SAPOL regarding streamlining information sharing so that requests from victims for support and information could be managed in a timelier manner while also delivering efficiencies for SAPOL and VOCSA. The trial currently being undertaken is also examining SAPOL training in victim rights. The Commissioner developed and hosted a professional development seminar for SAPOL victim contact officers, and others involved in supporting victims.

Further work was undertaken on scoping and documenting requirements for a case management system, and this will go to tender and be implemented in the 2021 - 2022 financial year.

The Commissioner negotiated appropriate funding arrangements for the Road Trauma Support Team so that counselling is available for those affected by road trauma. In addition, VOCSA is collaborating widely with others, such as the Carly Ryan Foundation, in innovative ways.

Once again, I would like to thank all those who support victims of crime, and particularly the VOCSA team who work tirelessly for victims in South Australia.

Bronwyn Killmier

Commissioner for Victims' Rights



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Overview: about the agency

Our strategic focus

Our purpose

The Commissioner for Victims' Rights is an independent statutory officer 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 monitors laws and policy for the safety, fairness and justice for victims of crime in South Australia and leads the VOCSA office.

Our vision

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

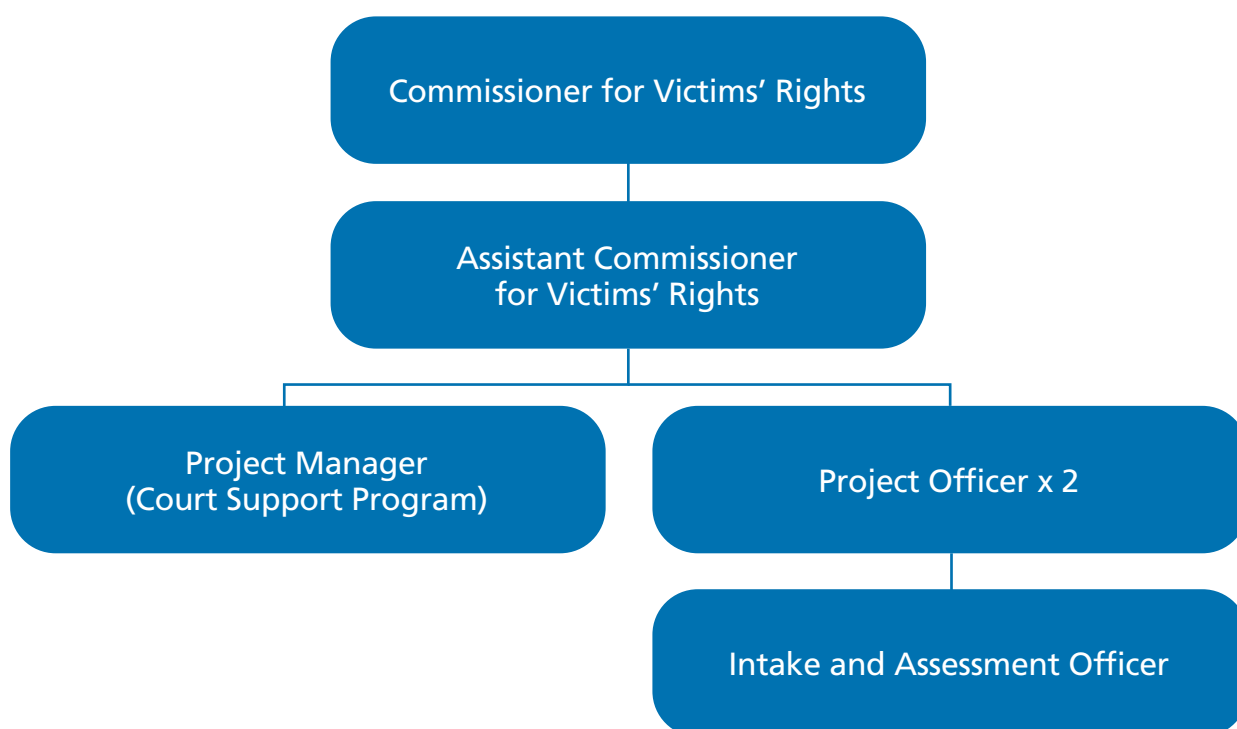
Our values

VOCSA 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



Legislation monitored by the agency

Victims of Crime Act 2001

The agency's objectives and performance

Policy, legislation and collaboration

A key function for the Commissioner for Victims' Rights is to identify gaps in service delivery, legislation, rights or access to justice in relation to victims of crime. The Commissioner has a responsibility to 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.

The Commissioner is collaborating with SAPOL to trial a streamlined information sharing process so that more timely responses to victims can be made and efficiencies realised for SAPOL and VOCSA without any compromise to service delivery.

The Commissioner collaborates and liaises across government and non-government agencies, and with communities, on policy and service delivery. The Commissioner has made submissions on proposed legislation on behalf of victims.

The Government has a vision that the office of the Commissioner for Victims' Rights should be a central point of coordination for victim support in South Australia to ensure that victims have a clear pathway to support, to avoid duplication and remove confusion.

The Commissioner has identified systemic issues impacting on victims that need to be addressed long term. The Commissioner will continue to collaborate and consult with agencies and victims to realise changes to practices, policy and legislation that will mitigate the impact of crime on victims.

National Victims of Crime Working Group

The Commissioner has attended virtually the National Victims of Crime Working Group (NVOCWG) led by the ACT Commissioner.

The NVOCWG was working towards a proposed National Victims of Crime Day to be held in 2021 to focus community attention on victim issues. South Australia was part of a working group and became the lead on this project. However, others were unable to commit to the proposed day at this time. South Australia will hold the victims' day in September 2021 and this will be reported on in the next annual report.

The working group also discusses relevant legislative amendments, innovations and processes impacting on victims.

Commissioner for Victims' Rights Consultative Committee

The Commissioner for Victims' Rights Consultative Committee (CVRCC) was formed in February 2019 to invigorate and enhance innovative ways of delivering meaningful services for victims.

Meetings are held every 6 weeks but due to Covid-19 restrictions meetings have either been deferred or held online. The CVRCC members include victims with lived experience, victim support group representatives and government and non-government agencies.

Some of the topics discussed by the CVRCC include assistance with victim impact statements, assistance with court support, additional workload, information provisions, road trauma funding, publication updates including road trauma and homicide, redesign and improvements to electronic victim impact statements, the victims' day, assisting vulnerable victims to make parole submissions, VSS recruiting for volunteers, change of name to VOCSA, improvements to the website and update on legislation commentary including road safety and sentencing, new information sharing between SAPOL and VOCSA, victim contact officer training and update on Staying Home Staying Safe program.

Collaboration on policy and service delivery

The Commissioner has collaborated and liaised with many agencies, groups and committees in 2020-2021, including:

- > Adelaide University
- > AGD - Policy and Community, Legal and Legislative Services, Projects and Technology
- > Carly Ryan Foundation
- > Child Protection Services
- > Commissioner for Children and Young People
- > Courts Administration Authority
- > Crown Solicitor Office (civil)
- > Department for Corrections - Victim Services Unit
- > Flinders University
- > Forensic Mental Health
- > Homicide Victim Support Group (HVSG)
- > Lawyers specialising in compensation
- > Media
- > National Victims of Crime Working Group
- > Parole Board
- > Politicians
- > Relationships Australia SA
- > Road Trauma Support Team (RTST)
- > South Australian Law Reform Institute
- > South Australia Police
- > Statutory Authorities
- > The Compassionate Friends
- > Victim Support Service
- > Witness Assistance Scheme (WAS) ODPP
- > Women's Domestic Violence Court Assistance Service
- > Women's Safety Service SA
- > Youth Court Stakeholders
- > Youth Justice
- > Youth Women's Safety and Wellbeing Division of the Women's and Children's Health Network.

Information, education and community engagement

VOCSA has an ongoing and evolving marketing and engagement strategy to promote the rights of victims, and the assistance that is available for victims and to raise community awareness in victim issues. The Commissioner continues to examine innovative ways for keeping victims informed through the criminal justice system.

VOCSA had intended to visit field days again this year, but these were cancelled due to Covid-19.

Website

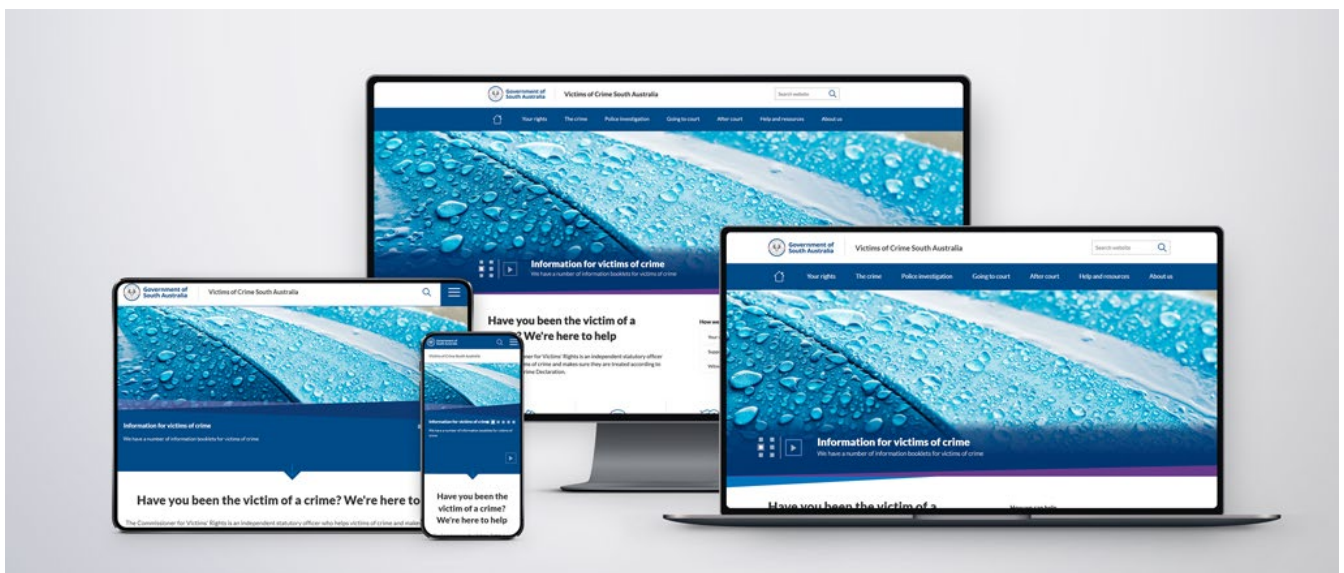
The VOCSA website (www.voc.sa.gov.au) provides information for victims on the Declaration of principles governing treatment of victims, as outlined in the Victims of Crime Act, 2001. These principles should govern the way victims are dealt with by public agencies and officials.

The criminal justice system can be complex and confusing. The information on the website can help victims understand what to expect, from reporting a crime through to the outcome of the court process and beyond. It also provides advice of where support can be obtained, amongst other information.

In line with a strengthened coordination role, a new website was launched in October 2020. The website is clear and accessible, enabling victims to access information quickly and providing clear information to support them.

As the coordination point for victims, “Commissioner for Victims’ Rights” was difficult for victims to remember and to use to find services. The office name was changed to “Victims of Crime South Australia” (VOCSA) reflecting more accurately our role and making finding us easier. The Commissioner for Victims’ Rights oversees VOCSA, but the change of name emphasizes our commitment to victims.

The new website enabled greater flexibility, with videos able to be uploaded and editable forms to be accessed - this has enabled improvements in access to victim impact statements and court support requests.



Publications

VOCSA publications are used not only by victims, but also by many government and non-government agencies who provide support and services to victims.

Our publications continue to be rewritten and updated to be more concise and accessible. We are consulting with people with lived experience and experts in doing so.

We identified a need to produce a dedicated resource for road trauma victims and produced that publication this year. All our publications can be downloaded from the website but are also available in hardcopy.



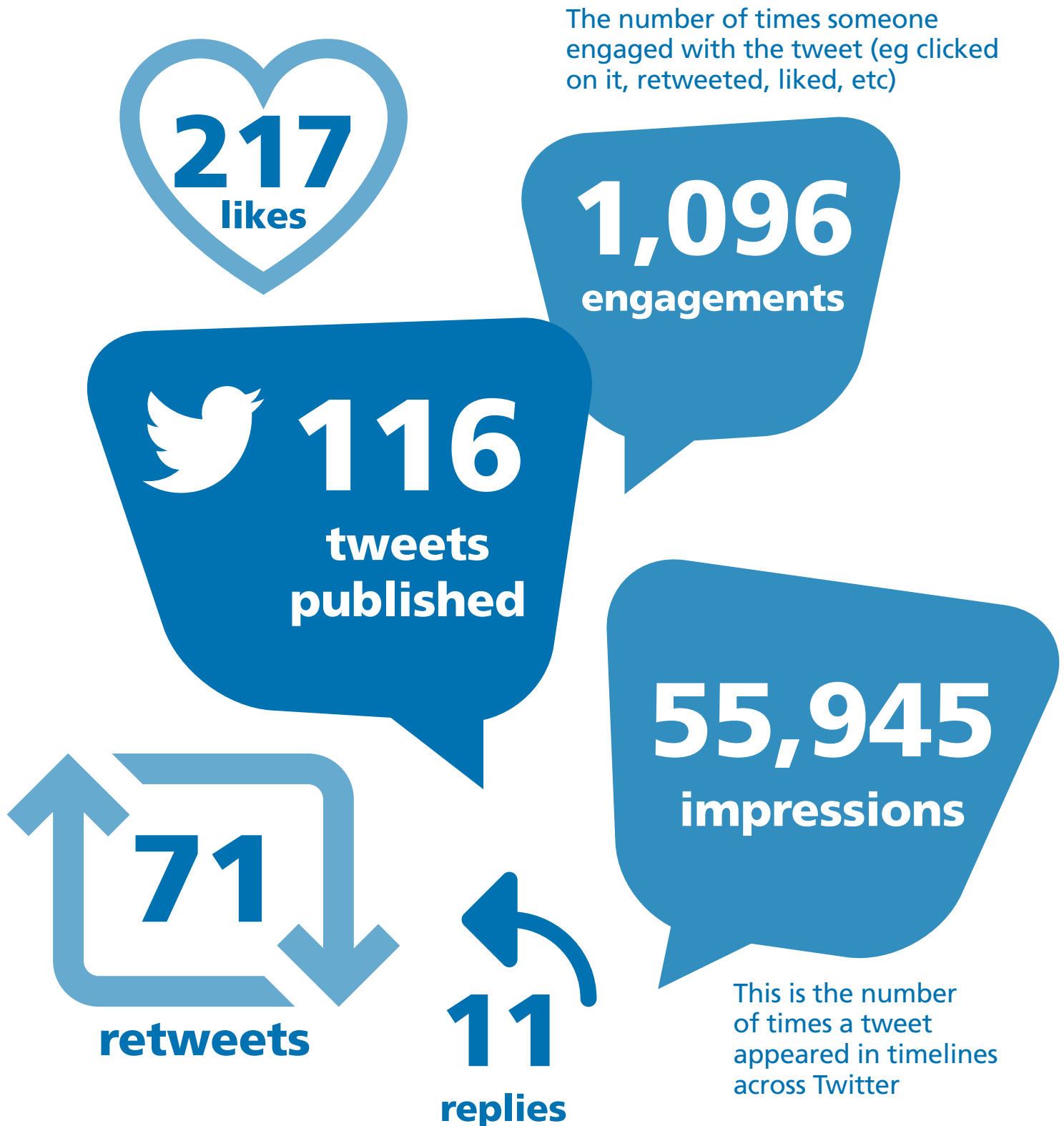
Information is supplied in a more efficient and cost-effective manner, using postcards pointing to the website where hard-copy publications and digital editions can be sourced.

Media

The Commissioner has engaged with media and provided opinion and discussed a wide range of victim topics through radio, television and online and print media, raising community awareness of victim issues.

Social Media

VOCSA is on Twitter, with the following statistics for the year.



The three top tweets were

Date	Topic	Impressions	Engagements
26/08/2020	On International Dog Day we celebrate Zero, who uses his canine sixth sense to comfort some of South Australia's most vulnerable victims of unspeakable crimes #InternationalDogDay https://t.co/tVn5L5PdGy	7,581	275
23/04/2021	The Commissioner for Victims' Rights worked with @TeamCarlyCRF in developing this Community Impact Statement which was tendered in sentencing Dylan McCrossin https://t.co/79Xx8cQD1p	6,734	101
25/03/2021	Have you seen our new publication for people affected by road trauma? It's full of useful information about where to get help and things to think about. See it on our website: https://t.co/e5IKGYXv5T @SAPoliceNews @theTiser #RoadToJustice https://t.co/XnWaelhuRO	6,367	57



Community engagement

The Commissioner spoke at important partner events, including the:

- > World Day of Remembrance for road traffic victims, hosted virtually by the RTST
- > HVSG annual memorial vigil.



Training

VOCSA has developed and conducted a number of training and awareness courses to improve services for victims. These have included the court support program training for volunteers as well as hosting a professional development program for SAPOL victim contact officers, members of the Department for Correctional Services (DCS) victim services unit and youth justice. Collaboration in training and networking across the sector is valuable in delivering and referral of services across the sector.



VOCSA policy and procedures

The Commissioner has developed, implemented and maintained policies and procedures that enhance the support given to victims of crime in South Australia. The policies and procedures are adhered to by staff to ensure consistent decision making. These improvements in business processes have also increased operational efficiency, streamlined administration practices and improved the triage, assessment and decision making processes for victims.

Case management system

Office processes and procedures have been fully analysed and documented to enable a tender to be undertaken in the new financial year for a case management system. This will bring benefits for victims by improving administrative efficiencies and digital record keeping, as well as increasing data accuracy and streamlining processes to assist victims. Data will enable trends to be analysed to identify gaps in victim services so that the Commissioner can advocate for improvements for victims.

Staffing and succession planning

The Commissioner for Victims' Rights continues to collect meaningful data and undertake an assessment of VOCSA workload. This has assisted in determining staffing needs for efficient and effective management of workload, and meeting customer service benchmarks.

Victim assistance

The Commissioner for Victims' Rights upholds the principles governing how victims of crime are to be treated by public agencies and officials. VOCSA also helps victims recover from the physical and psychological effects of criminal offending and provides resources to benefit victims in the most efficient and effective way.

During the year, VOCSA dealt with:

2,679
total enquiries



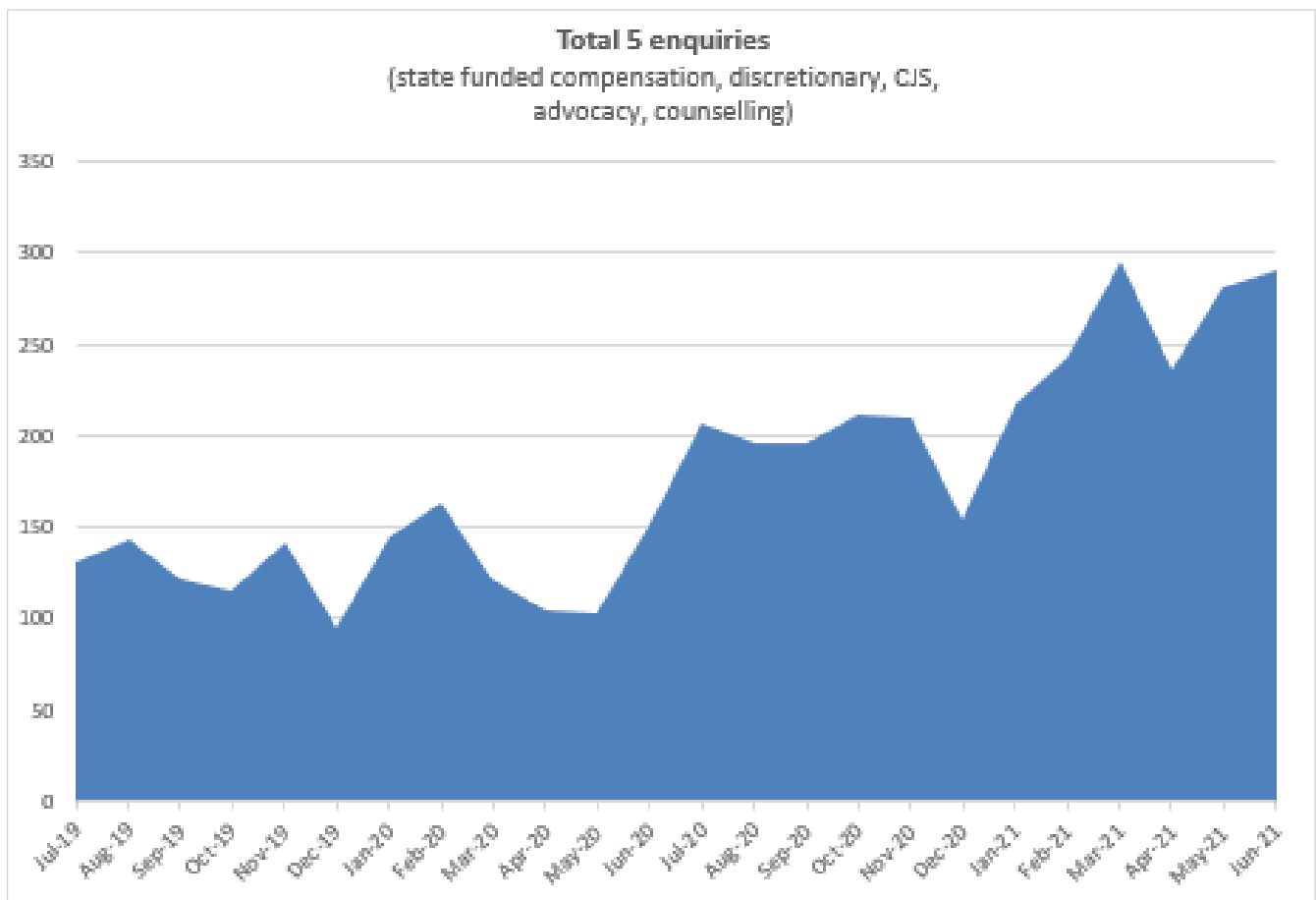
4.5
Avg follow ups
per enquiry

12,067
total subsequent
contacts



99%
Total matters
completed

9.6
Avg days to
complete



The data above is only a snapshot of the work undertaken by the office in the top 5 victim enquiries:

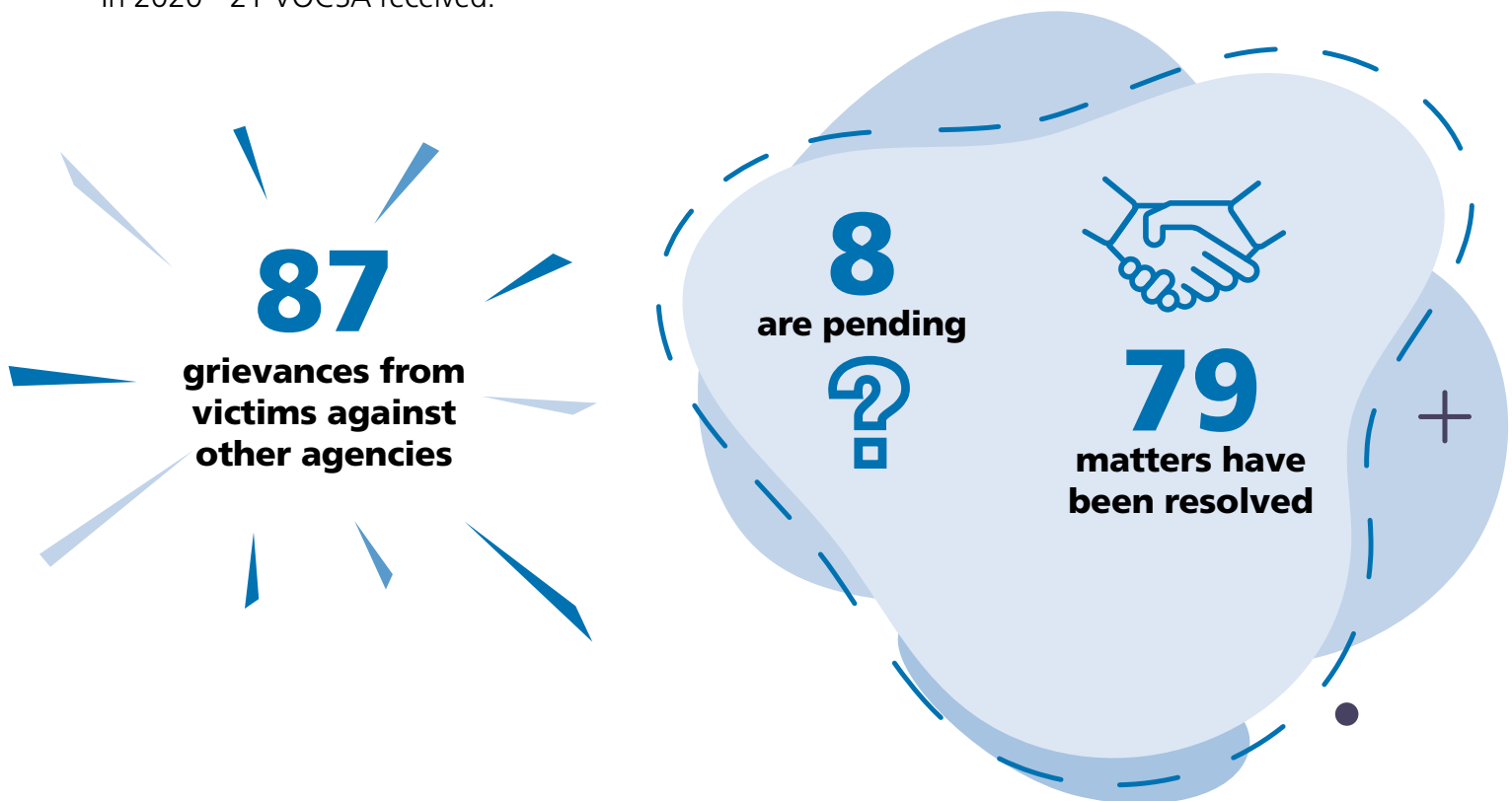
- > state funded compensation
- > discretionary funding
- > criminal justice sector enquiry
- > advocacy
- > counselling.

The office also undertakes a significant amount of work on a regular basis that is not captured by the data above. This includes dealing with grievances, making parole submissions, community impact statements, updating publications, commenting on legislation, securing court documents for victims, dealing with the media, arranging court support and victim impact statements.

Helping victims in their dealings with prosecution authorities and other government agencies and officials

Some people have a complaint about how they have been treated or supported as a victim of crime. If the victim is not satisfied with how an agency has resolved their complaint, they can contact the Commissioner 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.

In 2020 - 21 VOCSA received:



Most grievance matters relate to victims not being kept informed, not being consulted if charges are downgraded, withdrawn or not proceeded with.

VOCSA has liaised with many agencies to resolve victim grievances including:

- > SAPOL
- > Office of the Director of Public Prosecutions
- > Crown Solicitors Office
- > Department for Correctional Services
- > Courts Administration Authority
- > Members of Parliament
- > Attorney General's Department
- > Coroner's Court
- > some media agencies.

It was not necessary for the Commissioner to request apologies under sections 16(A)(2) and 16(A)(4) as all complaints were resolved at the agency level.

Examples

.....

A victim had been assaulted by three people. Charges were downgraded on one offender and the victim was not advised. VOCSA sought clarification on why the charges were downgraded, what consultation with the victim had occurred and why he had not been kept informed. The victim was provided with explanations and an apology for not being kept informed.

.....

A victim was not provided with an opportunity to make a victim impact statement. The agency apologised to the victim re the oversight.

Advocate on behalf of victims

Some victims require assistance in navigating the criminal justice system and interacting with other agencies. The Commissioner can consult with agencies and officials, and advocate on behalf of victims.

In 2020-21 the Commissioner for Victims' Rights received 232 requests from victims seeking advocacy. 224 matters have been resolved and 8 are pending.

Victims of past trauma have requested assistance from VOCSA, and the examples below demonstrate how trauma has a long memory and how the impact of crime can reach far into the future. This also emphasises how important early intervention and support is for victims.

Examples

The taxi council raised an issue that drivers were being charged to download evidence in some cases. VOCSA approached SAPOL and the matter was resolved.

Two separate victims who live interstate now, have had their trials delayed. One reported the offences in 2017 and the other in 2018. Trials were further impacted by Covid-19 delays. Delays in trials is an ongoing issue for victims.

A case involved an offender where age at the time of the offending was an issue. When the offender came to Australia, as there was no birth certificate, the offender was assigned a day and date of birth by the Immigration Department. Proof of age with other records such as Medicare, driver's licence or forensic odontology did not satisfy the age requirement. The offending could have occurred when he was an adult or a child. The victims also complained about a lack of information from prosecution and a lack of support in the court process.

A victim requested information about compensation and the court outcome. VOCSA were able to ascertain the information in the court files and provide her with the transcript of the evidence as requested. VOCSA were also able to recommend counselling.

A victim requested assistance regarding crimes committed against her in the early 1970's. The original files were unable to be found. The Commissioner was able to locate entries through the police historical society relating to the incident and liaised with lawyers to ascertain the way forward. The victim's lawyer required the information in order to prepare a request for compensation.

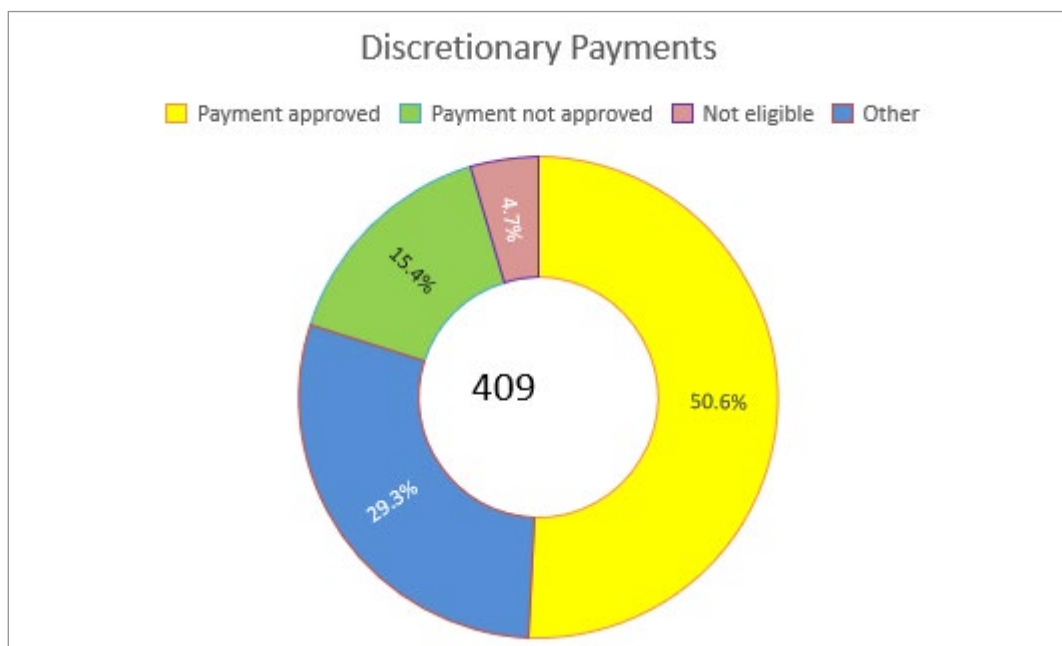
Provide discretionary funding to benefit victims and to assist in the recovery from the impact of crime

Each discretionary payment application is assessed before a determination is made by the Commissioner and includes consultation with SAPOL and other agencies.

Of those applications that were approved, below is a snapshot of some of the types of assistance provided to victims:

- > relocation to enable domestic violence and other victims to stay safe
- > payment for some emergency medical costs
- > 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.

For the 2019-20 period there have been 418 applications to the Commissioner for Victims' Rights for discretionary payments, of which 207 applications were approved. The remaining applications were either not approved, funded from a more appropriate source or were not eligible.



NB: Other includes applications where assistance is no longer required by the victim, or VOCSA are unable to contact the victim and have had no further contact from the victim regarding assistance.



418

**applications to
the Commissioner
for Victims' Rights
for discretionary
payments**

207

**applications were
approved**



Examples

Interstate relatives of a victim killed in a fatal crash were unable to attend the trial due to strict lockdown restrictions. They had previously attended all court appearances as they lived (separately) not far across the border. As they lived more than 5 kms apart, they were unable to travel to the same site to access video conferencing facilities. Working with the ODPP and the allocated WAS, access to video conferencing was identified and paid for to enable them individually to access significant parts of the trial and sentencing process in their homes.

A victim of a serious crime, who had a very young child, was isolated, anxious and depressed with no family in Australia and had very limited and occasional support. VOCSA paid for a nanny to care for her child while she gave evidence. The accused was convicted, and the victim wanted to provide a victim impact statement. This was written in another language as she does not speak English, and VOCSA paid to have the statement translated.

The Commissioner funded crime scene clean-ups at a number of murder scenes and paid for 12 funerals for homicide victims.

A victim who lived in a remote area was severely assaulted resulting in a requirement for dental surgery. VOCSA arranged travel, accommodation and funded emergency dental treatment for the victim.

A victim of a serious offence and their family was relocated to another state for their safety and where there was ongoing support. This was complicated by Covid-19 restrictions that impacted on movement during that time.

Court Support

During the 2020-21 financial year, Victims of Crime SA partnered with the Victim Support Service to establish a new service - the Court Support Program.

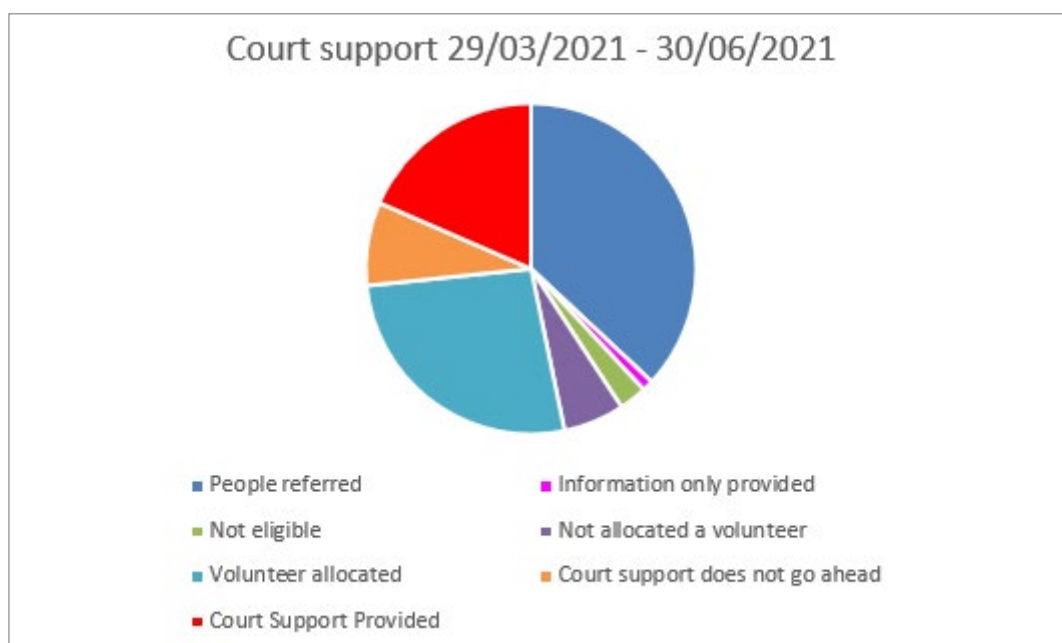
Victims of Crime SA became the intake and coordination point for court support for vulnerable witnesses and victims across South Australia. This is a significant step in facilitating victims' right to support as stated in the Victims' Rights legislation.

In January 2021 a full time Project Manager was recruited to lead this project. A comprehensive review was conducted of the existing model of court support. Volunteer training was developed, written and implemented with a competency based assessment embedded to ensure the selection of volunteers would provide a professional service.

VOCSA introduced and made it a mandatory requirement that all volunteers have current National Police Clearance Checks and Working With Children Checks.

The increase in volunteer numbers has increased the capacity to service a greater number of victims of crime who may previously not have been eligible for this service. Distinct branding was developed to lift the profile of the service, volunteers now wear identification cards on court support branded lanyards and the VOCSA website now contains extensive information for victims and stakeholders on court support.

An online portal was created enabling anyone to request support at court. It was built to accommodate the increase in requests to VOCSA, as a result of COVID, for support for South Australian based victims who are required to give evidence remotely in interstate jurisdictions. VOCSA has now facilitated two intakes of new volunteers.



Assist victims in making submissions to the parole board

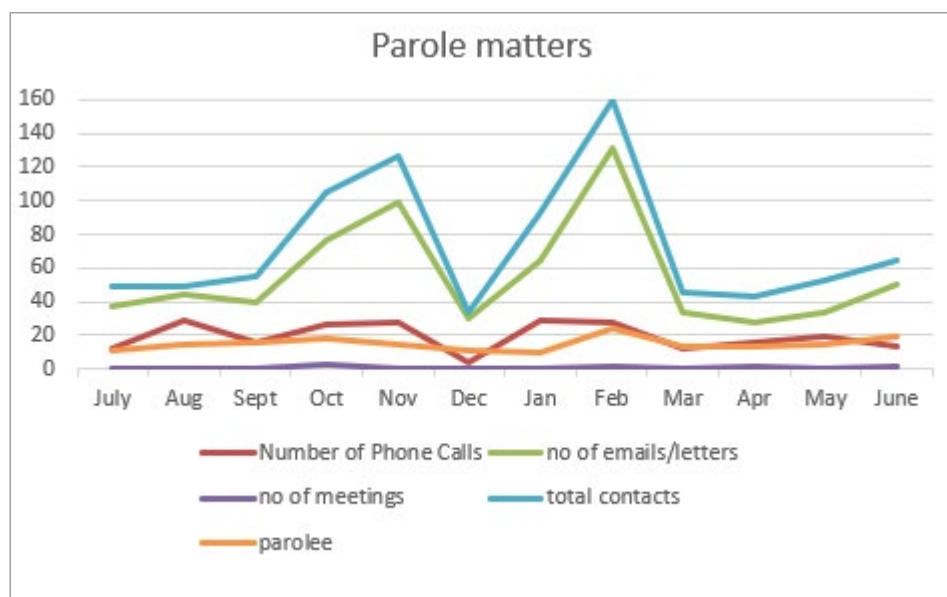
When a life-sentenced prisoner lodges an application for release on parole, the Commissioner for Victims' Rights makes a submission to the Parole Board representing the co-victims or those affected.

VOCSA takes all reasonable steps to contact any co-victims to obtain their views so that their comments can be collated into the submission.

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.

VOCSA also frequently has contact with SAPOL, DCS Victim Services Unit and the Parole Board in relation to the parole submissions.

For the 2020-2021 period, there have been 900 contacts to co-victims and agencies by the VOCSA office in relation to 57 parole matters for life-sentenced prisoners.



Assist victims to prepare victim impact statements

VOCSA has also assumed responsibility for coordinating assistance for victim impact statements. Writing a victim impact statement is one of the few opportunities victims have to participate in criminal proceedings and victims often describe this as empowering. It is therefore the philosophy of VOCSA to support victims and increase their capacity of victims to write their own statements. Information and support is provided to victims to enable them to write their own statement.

Where a victim is vulnerable and requires additional support VOCSA will triage the request. Some victims have been referred to agencies already engaged with the victim whilst some have been assisted by VOCSA staff who can provide the appropriate support and guidance for those with complex communication needs. At times the use of an interpreter has been required and funded by VOCSA.

Assist victims by preparing community impact statements

The Commissioner has prepared a number of community impact statements this year.

In April 2021, the Commissioner submitted a community impact statement in the matter of R V McCrossin. This submission was in relation to possessing child exploitation material and outlined the impact of this offending on the community, known and unidentified victims and those who work in the criminal justice system. The Commissioner collaborated with the Carly Ryan Foundation in preparing the community impact statement.

The Commissioner continues to work with the Carly Ryan Foundation, as well as the Joint Anti-Child Exploitation Team (JACET).

